

**REMARKS**

The examiner's action dated January 28, 2008, has been received and its contents carefully noted.

In response to the objection to the drawings, the claims (particularly claims 1, 90, 91, 92, 95 and 96) have been amended to remove all mentions of *the coupling of the measuring unit to the stage*. In view of these amendments, it is submitted that the objections of the drawings has been overcome, and it is asked that this objection be withdrawn.

In addition, all of the independent claims have been amended to include the following limitations:

illumination of a structure is controlled to provide incident light propagation with a predetermined solid angle of light propagation, and

the processing of data indicative of detected light comprises extracting spectral information and fitting the spectral information to reference data to determine the above parameters of the patterned structure, where the reference data is indicative of weighted diffraction efficiency at plurality of angles of incidence around an average direction of said predetermined solid angle of light propagation toward a surface of the structure during measurement.

Support for the added recitations can be found throughout the specification, such, as, for example, at page 6, lines 14-16; page 7, lines 1-10; page 9, lines 1-10; page 22, line 29 to page 23, line 10; and page 28, lines 3-11 and 19-26.

It is submitted that the above-cited limitations that have been added to each of the independent claims are not disclosed in, or obvious from, the disclosure of the applied reference.

Accordingly, the rejection presented in Section 4 of the action is respectfully traversed, and it is asked that this rejection be withdrawn and that all of the pending claims be allowed.

The rejection presented in Section 8 of the action is traversed for the reason that the rejected claims depend from allowable claims, and should be considered allowable along therewith.

If the above amendment should not now place the application in condition for allowance, the Examiner is invited to call undersigned counsel to resolve any remaining issues.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant

By /jmf/

Jay M. Finkelstein  
Registration No. 21,082

JMF:smb  
Telephone No.: (202) 628-5197  
Facsimile No.: (202) 737-3528  
G:\BN\C\cohn\finarov3A\pto\2008-07-24 Amendment.doc